

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 04-1019-1346

ELECTIONS: UNIT BE-119  
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on April 19, 2005 which was recorded at Deed Book 629, Page 584 in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on April 20, 2005, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit BE-119;

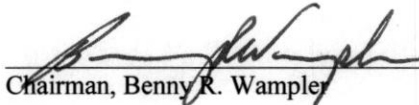
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, N.A., VA7515, P.O. Box 14061, Roanoke, VA 24038, Attn: Judy Barger or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.


Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 20<sup>th</sup> day of March, 2008, by a majority of the Virginia Gas and Oil Board.

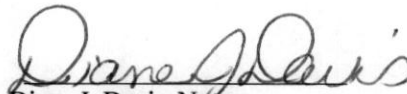
  
Chairman, Benny R. Wampler

DONE AND PERFORMED THIS 20<sup>th</sup> day of March, 2008, by Order of the Board.

  
B. R. Wilson,  
Director of the Division of Gas & Oil Board and  
Principal Executive to the Board

STATE OF VIRGINIA  
COUNTY OF WASHINGTON

Acknowledged on this 20<sup>th</sup> day of March, 2008, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

  
Diane J. Davis, Notary  
174394

My commission expires: September 30, 2009

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit BE-119  
VGOB 04-1019-1346 in the Garden District of Russell County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING ELECTIONS,  
ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Gas Company LLC, as a Manager – Environmental Permitting and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on April 19, 2005, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on April 19, 2005;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of April 19, 2005;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have entered into a voluntary agreement with the Designated Operator:

See attached Exhibit B-2

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

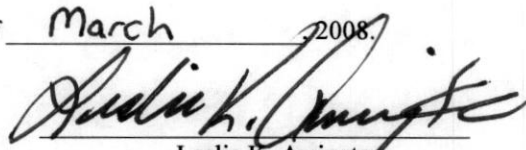
Rita Gardner

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

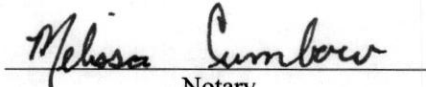
None

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Mercer, West Virginia, this 3rd day of March, 2008.

  
Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as a Manager – Environmental Permitting for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 3rd day of March, 2008.

  
Notary

My commission expires: April 9, 2013



PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED  
BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

BOOK - 688 PAGE 0326

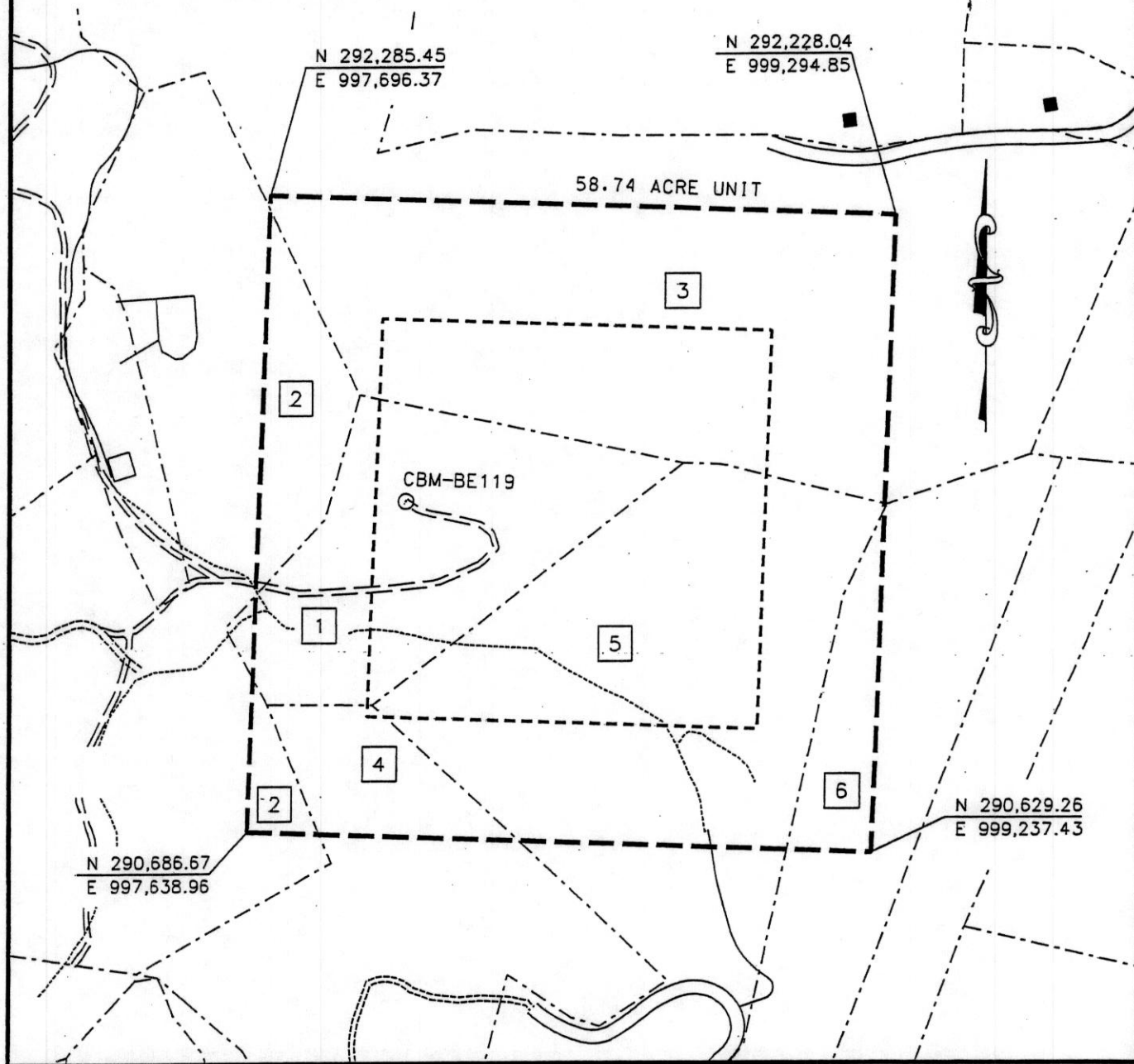
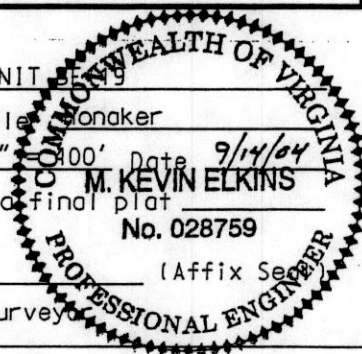


EXHIBIT A  
MIDDLE RIDGE 1 FIELD  
UNIT BE-119  
FORCE POOLING  
VGOB-04-1019-1346

Company CNX Gas Company LLC Well Name and Number UNIT BE-119  
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Donaker  
County Russell District New Garden Scale: 1" = 400' Date 9/14/04  
This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_  
M. Kevin Elkins  
No. 028759

Form DGO-GO-7  
Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor



**CNX Gas Company LLC****Unit BE-119****Tract Identifications****(58.74 Acre Unit)**

1. Swords Creek Land Partnership Tr. 52 – Fee  
Reserve Coal Properties Company – Coal Below Tiller Seam Leased  
Knox Creek Coal Corporation – Tiller and Above Coal Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
10.47 acres                      17.8243%
2. Swords Creek Land Partnership Tr. 47 – Fee  
Reserve Coal Properties Company – Coal Below Tiller Seam Leased  
Knox Creek Coal Corporation – Tiller and Above Coal Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
4.10 acres                      6.9799%
3. Swords Creek Land Partnership Tr. 13 - Coal  
Reserve Coal Properties Company - Coal Below Tiller Seam Leased  
Knox Creek Coal Corporation - Tiller and Above Coal Leased  
CNX Gas Company LLC – CBM Leased  
Nellie L. Miller, et al – Surface and All Minerals except Coal  
20.33 acres                      34.6101%
4. Curtis Reedy, et al – Fee  
Consolidation Coal Company – Coal Below Tiller Seam Leased  
2.94 acres                      5.0051%
5. Betty Wells, et al – All Minerals  
Reserve Coal Properties Company – Coal Below Tiller Seam Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Dallas James Whited - Surface  
18.42 acres                      31.3585%
6. Henry Shupe – Fee  
Reserve Coal Properties Company – Coal Below Tiller Seam Leased  
Swords Creek Leasing, Inc. – Coal In Red Ash, Widow Kennedy, Upper Banner  
and Lower Banner Seams Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
2.48 acres                      4.2220%



Exhibit B-2  
Unit BE-119  
Docket #VGOB 04-1019-1346  
List of Respondents to be Dismissed  
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Reason for Dismissal
<b>I. COAL FEE OWNERSHIP</b>			
<b><u>Tract #4, 2.94 acres</u></b>			
(1) Curtis Reedy, et al. (R.L. Reedy Heirs, Devisees, Successors or Assigns)	2.94 acres	5.0051%	
(g) Rita Gardner Rt.1 Box 34B Hiltons, VA 24258	0.184 acres 1/16 of 2.94 acres	0.3128%	Leased
<b>II. OIL &amp; GAS FEE OWNERSHIP</b>			
<b><u>Tract #4, 2.94 acres</u></b>			
(1) Curtis Reedy, et al. (R.L. Reedy Heirs, Devisees, Successors or Assigns)	2.94 acres	5.0051%	
(g) Rita Gardner Rt.1 Box 34B Hiltons, VA 24258	0.184 acres 1/16 of 2.94 acres	0.3128%	Leased

Exhibit B-3  
Unit BE-119  
Docket #VGOB 04-1019-1346  
List of Unleased Owners/Claimants  
(58.74 Acre Unit)

BOOK 688 PAGE 0329

	Acres in Unit	Interest in Unit
<b>I. COAL FEE OWNERSHIP</b>		
<b><u>Tract #4, 2.94 acres</u></b>		
(1) Curtis Reedy, et al. (R.L. Reedy Heirs, Devisees, Successors or Assigns)	2.94 acres	5.0051%
(a) Curtis Reedy Rt.1 Box 57 Swords Creek, VA 24649	0.735 acres 1/4 of 2.94 acres	1.2513%
(d) David A. Reedy 6834 Boston Avenue Baltimore, MD 21222	0.184 acres 1/16 of 2.94 acres	0.3128%
(e) Richard L. Reedy P.O. Box 486 Doran, VA 24612	0.184 acres 1/16 of 2.94 acres	0.3128%
(f) Esta Belle Hess Rt.1 Box 57 Swords Creek, VA 24649	0.368 acres 1/8 of 2.94 acres	0.6256%
(h) Wilma Durham 133 North Dogwood Drive Weber City, VA 24290	0.184 acres 1/16 of 2.94 acres	0.3128%
(i) Iris M. Davis 4015 Umbarger Lane Signal Mountain, TN 37377	0.184 acres 1/16 of 2.94 acres	0.3128%
(j) Nadine M. Freeman 5316 Taft Highway Signal Mountain, TN 37377	0.184 acres 1/16 of 2.94 acres	0.3128%
<b>II. OIL &amp; GAS FEE OWNERSHIP</b>		
<b><u>Tract #3, 20.33 acres</u></b>		
(1) Nellie Miller, et al.	20.33 acres	34.6101%
(a) Nellie Miller Heirs, Devisees, Successors or Assigns		
(a.1) Judy M. Hess P.O. Box 121 Swords Creek, VA 24649	0.355 acres 11/630 of 20.33 acres	0.6043%
(a.2) Ola Gay Strouth P.O. Box 78 Swords Creek, VA 24649	0.355 acres 11/630 of 20.33 acres	0.6043%



Exhibit B-3  
Unit BE-119  
Docket #VGOB 04-1019-1346  
List of Unleased Owners/Claimants  
(58.74 Acre Unit)

BOOK 688 PAGE 0330

(a.2)

	Acres in Unit	Interest in Unit
(a.4) Dewayne Miller Address Unknown	0.355 acres 11/630 of 20.33 acres	0.6043%
(a.5) David Miller Address Unknown	0.355 acres 11/630 of 20.33 acres	0.6043%
(a.6) Betty Keen Address Unknown	0.355 acres 11/630 of 20.33 acres	0.6043%
(a.7) Audrey Miller Address Unknown	0.355 acres 11/630 of 20.33 acres	0.6043%
(b) Gladys Hubbard RR1 Box 213 Tazewell, VA 24651	0.22589 acres 1/90 of 20.33 acres	0.3846%
(c) Thelma Miller 2411 South First Street Richlands, VA 24641	2.48478 acres 11/90 of 20.33 acres	4.2301%
(d) Freda Cordill Heirs, Devisees, Successors or Assigns		
(d.1) Mark Cordill Address Unknown	1.24239 acres 11/180 of 20.33 acres	2.1151%
(d.2) Patricia Cordill Address Unknown	1.24239 acres 11/180 of 20.33 acres	2.1151%
(e) Arbutus Plaster RR1 Box 213 Swords Creek, VA 24649	2.48478 acres 11/90 of 20.33 acres	4.2301%
(f) Evylyn L. Perkins 2411 South First Street Richlands, VA 24641	2.48478 acres 11/90 of 20.33 acres	4.2301%
(g) Dallas Lockhart P.O. Box 1208 Honaker, VA 24260	2.48478 acres 11/90 of 20.33 acres	4.2301%
(h) Mae Richardson P.O. Box 1282 Honaker, VA 24260	2.48478 acres 11/90 of 20.33 acres	4.2301%
(i) Ralph C. Lockhart RR1 Box 200 Swords Creek, VA 24649	0.22589 acres 1/90 of 20.33 acres	0.3846%
(i) Alan Dee Lockhart Heirs, Devisees, Successors or Assigns		

Exhibit B-3  
Unit BE-119  
Docket #VGOB 04-1019-1346  
List of Unleased Owners/Claimants  
(58.74 Acre Unit)

BOOK 688 PAGE 0331

	Acres in Unit	Interest in Unit
(i.1) Steve Lockhart Address Unknown	0.82826 acres 11/270 of 20.33 acres	1.4100%
(i.2) Randy Lockhart Address Unknown	0.82826 acres 11/270 of 20.33 acres	1.4100%
(i.3) Patricia Hulvey Address Unknown	0.82826 acres 11/270 of 20.33 acres	1.4100%
<b><u>Tract #4, 2.94 acres</u></b>		
(1) Curtis Reedy, et al. (R.L. Reedy Heirs, Devisees, Successors or Assigns)	2.94 acres	5.0051%
(a) Curtis Reedy Rt.1 Box 57 Swords Creek, VA 24649	0.735 acres 1/4 of 2.94 acres	1.2513%
(d) David A. Reedy 6834 Boston Avenue Baltimore, MD 21222	0.184 acres 1/16 of 2.94 acres	0.3128%
(e) Richard L. Reedy P.O. Box 486 Doran, VA 24612	0.184 acres 1/16 of 2.94 acres	0.3128%
(f) Esta Belle Hess Rt.1 Box 57 Swords Creek, VA 24649	0.368 acres 1/8 of 2.94 acres	0.6256%
(h) Wilma Durham 133 North Dogwood Drive Weber City, VA 24290	0.184 acres 1/16 of 2.94 acres	0.3128%
(i) Iris M. Davis 4015 Umbarger Lane Signal Mountain, TN 37377	0.184 acres 1/16 of 2.94 acres	0.3128%
(j) Nadine M. Freeman 5316 Taft Highway Signal Mountain, TN 37377	0.184 acres 1/16 of 2.94 acres	0.3128%

Exhibit E  
Unit BE-119  
Docket #VGOB 04-1019-1346  
List of Conflicting Owners/Claimants that require escrow  
(58.74 Acre Unit)

BOOK 688 PAGE 0332

	Acres in Unit	Interest in Unit
<u>Tract #3, 20.33 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 187 Tazewell, VA 24651	20.33 acres	34.6101%
<u>OIL &amp; GAS FEE OWNERSHIP</u>		
(1) Nellie Miller, et al.	20.33 acres	34.6101%
(a) Nellie Miller Heirs, Devisees, Successors or Assigns		
(a.1) Judy M. Hess P.O. Box 121 Swords Creek, VA 24649	0.355 acres 11/630 of 20.33 acres	0.6043% ✓
(a.2) Ola Gay Strouth P.O. Box 78 Swords Creek, VA 24649	0.355 acres 11/630 of 20.33 acres	0.6043% ✓
(a.3) Peggy S. Hess RR1 Box 123 Swords Creek, VA 24649	0.355 acres 11/630 of 20.33 acres	0.6043% ✓
(a.4) Dewayne Miller Address Unknown	0.355 acres 11/630 of 20.33 acres	0.6043% ✓
(a.5) David Miller Address Unknown	0.355 acres 11/630 of 20.33 acres	0.6043% ✓
(a.6) Betty Keen Address Unknown	0.355 acres 11/630 of 20.33 acres	0.6043% ✓
(a.7) Audrey Miller Address Unknown	0.355 acres 11/630 of 20.33 acres	0.6043% ✓
(b) Gladys Hubbard RR1 Box 213 Tazewell, VA 24651	0.22589 acres 1/90 of 20.33 acres	0.3846% ✓ .7692
(c) Thelma Miller 2411 South First Street Richlands, VA 24641	2.48478 acres 11/90 of 20.33 acres	4.2301% ✓
(d) Freda Cordill Heirs, Devisees, Successors or Assigns		
(d.1) Mark Cordill Address Unknown	1.24239 acres 11/180 of 20.33 acres	2.1151% ✓ 4.2302
(d.2) Patricia Cordill Address Unknown	1.24239 acres 11/180 of 20.33 acres	2.1151%
(e) Arbutus Plaster RR1 Box 213 Swords Creek, VA 24649	2.48478 acres 11/90 of 20.33 acres	4.2301% ✓ 12.4239

**Exhibit E**  
**Unit BE-119**  
**Docket #VGOB 04-1019-1346**  
**List of Conflicting Owners/Claimants that require escrow**  
**(58.74 Acre Unit)**

	Acres in Unit	Interest in Unit
(f) Evylyn L. Perkins 2411 South First Street Richlands, VA 24641	2.48478 acres 11/90 of 20.33 acres	4.2301% ✓
(g) Dallas Lockhart P.O. Box 1208 Honaker, VA 24260	2.48478 acres 11/90 of 20.33 acres	4.2301% ✓
(h) Mae Richardson P.O. Box 1282 Honaker, VA 24260	2.48478 acres 11/90 of 20.33 acres	4.2301% ✓
(i) Ralph C. Lockhart RR1 Box 200 Swords Creek, VA 24649	0.22589 acres 1/90 of 20.33 acres	0.3846% ✓
(i) Alan Dee Lockhart Heirs, Devisees, Successors or Assigns		
(i.1) Steve Lockhart Address Unknown	0.82826 acres 11/270 of 20.33 acres	1.4100%
(i.2) Randy Lockhart Address Unknown	0.82826 acres 11/270 of 20.33 acres	1.4100% 2.48478
(i.3) Patricia Hulvey Address Unknown	0.82826 acres 11/270 of 20.33 acres	1.4100%

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 4-2, 2008. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 11:58 o'clock A M, after payment of \$ — tax imposed by Sec. 58.1-802.

Original returned this date to: Diane Davis

TESTE: ANN S. McREYNOLDS, CLERK  
 BY: Ann S. McReynolds CLERK

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